

COMMISSION ON WATER RESOURCE MANAGEMENT
NOTICE OF A CONTESTED CASE HEARING (**CCH-MA-06-02**)
CONCERNING COMPLAINT **C04-31** FROM EARTHJUSTICE (EJ), ON BEHALF OF HUI O NA WAI
EHA AND MAUI TOMORROW FOUNDATION, INC. REGARDING WASTE OF SURFACE WATER
FROM DITCHES OF WAILUKU WATER COMPANY, LLC
WAILUKU, MAUI

The Commission on Water Resource Management (Commission), State of Hawaii, on its own motion, will conduct a contested case hearing on to address complaint C04-31 regarding waste of surface water from ditches owned by Wailuku Water Company, LLC (formerly Wailuku Agribusiness Company) in the Wailuku area. The hearing for interveners will be held on Maui at a date, time, and place to be announced.

Any person wishing to participate in the hearing as an intervening party must file a written application in conformance with Section 13-167-54(e), HAR, explaining briefly how he or she has a specific legal interest different from the general public and how their interest could be affected by the proposed action. The Commission's hearing officer will then grant or deny the application to intervene. At the scheduled contested case hearing, only persons admitted as parties to the proceedings may actually participate.

Written applications to be an intervening party in the contested case hearing must be received no later than 12:00 noon, Tuesday, May 23, 2006, at the Commission Office, 1151 Punchbowl Street, Room 227, Honolulu, HI 96813. Application forms are available at the Commission Office, will be mailed upon request, or can be downloaded from the Commission website at www.hawaii.gov/dlnr/cwrm/forms/CCHP.pdf. Please call (808) 587-0225 or toll free from Maui 1-800-984-2400, extension 70225, for application forms or for further information.

After receipt of all applications to intervene, a hearing will be held at which the Commission's hearing officer will take evidence and arguments supporting each applicant's request for participation in the contested case. The Commission's hearing officer will then make a ruling on standing for each applicant's request for a contested case or to intervene. Only persons granted standing as parties to the proceedings may participate in the contested case hearing. The hearing on standing will be held on Maui and scheduled for a date, time, and place to be determined.

Any party may retain counsel if desired. An individual may appear on his or her own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust or association. All parties shall be afforded the opportunity to present and cross-examine evidence and witnesses and make arguments on issues before the Commission.

COMMISSION ON WATER RESOURCE MANAGEMENT

DEAN A. NAKANO, Acting Deputy Director for
PETER T. YOUNG, Chairperson

Dated: May 4, 2006

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